THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 7897 OF 1998

Between :

G. Pandu Ranga Reddy, Miryalaguda.

… Petitioner

And :

The A.P State Seeds Development Corporation Ltd., Hyderabad., rep by its Managing Director And another.

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 7897 OF 1998

ORAL ORDER :

The petitioner was engaged as a daily wage employee and entrusted with gardening work and carrying of bags in the 2nd respondent organization, in 1992. On 11.8.1995 the petitioner's services were terminated on the ground that in accordance with the provisions of the Andhra Pradesh (Regulation of Appointment to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act 1994, the petitioner's services are no longer required in the Corporation. The petitioner and others, aggrieved thereby, filed W.P.No. 20697/95 and Batch. The writ petitions were disposed of with a direction to the respondent to issue individual notices and opportunity to each of the workmen to show whether they fulfill the conditions under G.O.Ms.No. 212, for regularization. Liberty was also afforded to the respondent-Corporation to issue show

cause notices to each of the petitioners for the purpose. Such notice was issued by the respondent to the petitioner. The petitioner submitted his representation in response to the notice. An order dated 27.11.1997 was passed by the 1st respondent rejecting the petitioner's claim for reconsideration of the proposed termination. The impugned order recorded that the petitioner is not entitled to regularization since he does not possess the qualification prescribed for any post as per the recruitment rules of the Corporation in force. The petitioner's services were terminated after handing over a cheque for Rs.4,500/- towards one month's notice and retrenchment compensation.

The petitioner neither pleads nor asserts before this court that he is entitled any eligible to be appointed to any post in the Corporation in accordance with the qualifications prescribed for such post by the service rules of the Corporation. Employment and recruitment to a public office paid out of the public exchequer is not private or a clandestine process between some State actor and a select group of citizens. Public employment presupposes transparency and a regular mode of recruitment, governed by rules which are statutory or have a statutory flavor. Recruitment should be by a transparent public process which enables opportunity to all eligible persons to compete for such public office. A professional assessment of the suitability for the post by a duly constituted selection committee and if there is more than one applicant for a public office, a process of selection amongst such multiple applicants is unavoidable. As pointed out in ***Secretary, State of Karnataka and Others v Umadevi (3) and Others ([1])*** regularization cannot be a mode of recruitment. All public posts are governed by the constitutional discipline of Articles 14 and 16. Even if a public Corporation does not have recruitment rules, it should have one

and forthwith. Even otherwise the injunctions of Articles 14 and 16 enjoin a public transparent process of recruitment.

The petitioner was employed as a daily wage employee in 1992. The petitioner does not plead that it was after a process of recruitment by advertisement of the post. It is not clear where there is a sanctioned post of a Gardner or an Attendant available in the respondent-Corporation. The writ petition is also silent as to the qualifications for the post of Gardner, if there is one vacant. The petitioner has not asserted that he is qualified.

In the aforementioned circumstances and on the basis of the vaguely pleaded facts no case is made out for grant of relief. The writ petition is without merits and is accordingly dismissed. No order as to costs.

Dated: 28.03.2007
Pvsn/Tsnr

GODA RAGHURAM,J

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[1] (2006) 4 SCC 1